

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 04-0195 JH

RICARDO RODRIGUEZ-LOPEZ,

Defendant.


MEMORANDUM OPINION AND ORDER

This matter comes before the Court on Defendant's *Motion for Sentencing Setting Before United States District Court Judge With Whom Jurisdiction In This Cause Rests* [Doc. No. 35]. This case was initially assigned to Chief United States District Judge Martha Vázquez. On January 3, 2005, the Clerk administratively reassigned this and approximately 60 other criminal cases to the undersigned United States District Judge. Under the Tenth Circuit's opinion in *United States v. Diaz*, 189 F.3d 1239 (10th Cir. 1999), the administrative transfer of the case was proper. Such transfer was neither outside the power of the Court nor in contravention of Defendant's constitutional rights.

However, because Chief Judge Vázquez has conducted substantive hearings in this matter, the Court finds that it would be in the interest of judicial efficiency to transfer the case back to her for adjudication of all remaining issues in this matter.

IT IS THEREFORE ORDERED that Defendant's *Motion for Sentencing Setting Before United States District Court Judge With Whom Jurisdiction In This Cause Rests* [Doc. No. 35] is

GRANTED and the case will be **TRANSFERRED** to Chief Judge Vázquez.


UNITED STATES DISTRICT JUDGE